

Rule 15, Ariz. R. Crim. P.

EVIDENCE — DISCOVERY — Requirements for defense disclosure Revised 11/2009

Rule 15.2 of the Arizona Rules of Criminal Procedure covers disclosure by the defendant. It is important to note that Rule 15.2(a) only applies to disclosure of physical evidence after an indictment or the filing of any information. *See State v. Curiel*, 130 Ariz. 176, 182, 634 P.2d 988, 994 (App. 1981). Generally, the rule requires the defendant to do the following: provide or participate in the gathering of specific physical evidence; provide a written notice of defenses and a list of witnesses to be called in support of such defenses; provide the names and addresses of all defense witnesses and any statements made by them in connection with the case; provide the names and addresses of expert witnesses whom the defense may call at trial and the results and written reports of any related physical examinations or scientific tests; and provide a list of all physical evidence which the defendant will use at trial. Rule 15.2(a), Ariz. R. Crim. P. It is important to note that Rule 15.2(a) only applies to disclosure of physical evidence after an indictment or the filing of any information. *See State v. Curiel*, 130 Ariz. 176, 182, 634 P.2d 988, 994 (App. 1981).

Rule 15.2 does not require the defendant to provide tapes or transcripts of a witness interview at which counsel for the State was present but chose not to record the interview. *State v. Osborne*, 157 Ariz. 2, 5, 754 P.2d 331, 334 (App. 1988).

Furthermore, when a prosecution witness makes statements to the defense, the defense does not have to make pretrial disclosure of those statements if those statements will only be used for impeachment purposes. *Id.* The Rule does not require a

defendant to provide the prosecutor or the court with a preview of his case or arguments, nor need he provide the prosecutor advance notice of the weaknesses in the state's case or identify evidence that the state should present to sustain its burden of proof. *State v. Marshall*, 197 Ariz. 496, 501, 4 P.3d 1039, 1044 (App. 2000).